

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 04-10317-RCL
)
 ANDREW LEWIS)

MOTION TO MODIFY CONDITIONS OF PRETRIAL RELEASE TO ALLOW
DEFENDANT TO SEEK AND MAINTAIN EMPLOYMENT

Defendant, Andrew Lewis, moves this Court to modify his conditions of pretrial release to give Pretrial Services the discretion to allow him to seek and maintain employment. As grounds for this motion, the defendant through counsel states the following:

1. The defendant was arrested on October 14, 2004 and charged by complaint with receipt of child pornography in violation of 18 U.S.C. §2252(a)(2).
2. He was conditionally released October 18, 2004. The major component of his release was that he remain under house arrest to be monitored electronically.
3. Pretrial Services reports that the defendant has been compliant with all conditions of release. The defendant has been released from Electronic Monitoring to attend to a number of medical and legal appointments and each time has returned as instructed and without incident.
4. Defendant has been employed by the National Park Service for several years. On March 12, 2004, he was placed on administrative leave with pay. On November 20, 2004, as a result of his indictment in the instant matter, he was suspended without pay on non-duty status. He has remained suspended without pay since that day.
5. Defendant is married. His wife, also an employee of the National Park Service, continues working. One income, however, is insufficient to cover the couple's monthly expenses. The couple has depleted their savings. Of particular immediate concern is a loan defendant took out

several years ago from money accrued in his Thrift Savings Plan. While he was working, the installments were directly deducted from his pay; his unemployment status threatens to convert the loan to a withdrawal with horrific tax consequences as well as consequences to his retirement.

6. Moreover, defendant is now responsible for paying all of his health insurance premiums, which are mounting.
7. Additionally, defendant has suffered neurological difficulties over the past two years. These difficulties have recently been diagnosed as stress-related and exacerbated by his lack of exercise.
8. Defendant anticipates seeking supervised work as a retail clerk or similar employment.
9. Pretrial Services concurs with this modification but requires judicial approval by the Court to modify this condition. Pretrial Services requests the discretion to allow the defendant to seek work after defendant notifies it of where and when he is looking for work. Pretrial Services further requests the discretion to approve of any potential employment once obtained, and, if the employment is appropriate, to allow defendant to leave the home during work hours.

ANDREW LEWIS
By his attorney,

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